

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
March 8, 2006

**MEMBERS**

Christopher A. Abel  
Nicholas F. Barba  
Anne C. H. Conner  
John R. Davis  
Alexander T. Hamilton  
Alfred E. Ptasznik, Jr.  
John W. Staton

**CALL TO ORDER**

Chair Alfred E. Ptasznik, Jr. called the meeting to order at 7:00 PM.

**ROLL CALL**

The roll was called and all members were present except Mr. Abel (arrived 7:28 PM). Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl W. Anderson.

**APPROVAL OF MINUTES**

Mr. Hamilton moved to adopt the minutes of the regular meeting of January 11, 2006 and they were adopted 6:0 (Mr. Abel absent).

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. UP-696-065, Kahn Properties East, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize a 1,659-square foot fast-food restaurant (Starbucks) with drive-through service within a permitted shopping center to be constructed at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange. The property, identified as Assessor's Parcel No. 2-17-1, is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

**Earl W. Anderson, AICP**, Planner, summarized the report to the Commission in which the staff recommended approval.

**Mr. Ptasznik** inquired about the circular driveway and asked if patrons would have to circumvent the entire shopping center to get to the proposed Starbucks. Mr. Anderson explained that the driveway would also be accessible from the proposed Wachovia entrance.

**Chair Ptasznik** opened the public hearing.

**Mr. Howard Jenkins III**, Kahn Properties East, LLC, 226 Randolph Square Lane Richmond, spoke in behalf of the applicant. He recommended approval because Starbucks enjoys a good reputation, is a good fit for the project, and would be a valuable asset to the area.

**Chair Ptasznik** closed the public hearing.

**Mr. Hamilton** made a motion to adopt proposed Resolution PC06-4.

On motion of Mr. Hamilton, which carried 6:0 (Mr. Abel arrived later), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO  
AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE  
AT 800 EAST ROCHAMBEAU DRIVE

WHEREAS, Kahn Properties East, LLC has submitted Application No. UP-696-06, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center to be constructed on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of March, 2006 that Application No. UP-696-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center to be constructed on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Rote 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); subject to the following conditions:

1. This use permit shall authorize an approximately 1,659-square foot fast food restaurant with drive-through service located at 800 East Rochambeau Drive (Route 137) and further identified as a portion of Assessor's Parcel No. 2-17-1.
2. The proposed fast food restaurant shall be permitted in the end unit of the proposed retail center and, except as modified herein, said site layout for the fast food restaurant shall be in substantial conformance with the plan titled "The Shops At Cedar Valley, Bruton District, York County, Virginia," prepared by Hankins and Anderson, Consulting Engineers, dated 5/18/05 and revised 8/31/05 and 11/21/05.
3. Construction and operation of the restaurant shall be in conformance with the performance standards set forth in Section 24.1-473, *Standards for drive-in, fast food and carry-out delivery restaurants*, of the Zoning Ordinance.
4. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road, Rochambeau Drive, and Humelsine Parkway.
5. In order to ensure the proper functioning of the circulation system, particularly the drive-thru aisle, the restaurant owner/management shall be responsible for making arrangements so that trash removal service does not occur during restaurant operating hours.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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**Application No. UP-698-06, Charity A. Barrett:** Request for a Special Use Permit, pursuant to Sections 24.1-283(b) and 24.1-281(b) of the York County Zoning Ordinance, to authorize an approximately 468-square foot beauty shop as a home occupation within a single-family detached dwelling located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

**Timothy C. Cross, AICP**, Principal Planner, presented the summary of the staff report to the Commission dated March 1, 2006. **Mr. Cross** explained that the applicant was granted a Special Use Permit for a beauty shop as a home occupation several years ago and has moved her residence to the current location and wishes to continue to provide the same services. No complaints have been filed with the County related to her current use permit, he said. The garage area proposed for the beauty shop totals 468 square feet, a portion of which the applicant intends to close off to hide the furnace from view, resulting in an area closer to the 400 square foot maximum typically allowed and considerably less than 25 percent of the total square footage of the residence. **Mr. Cross** added there is ample paved parking on the property. The staff recommended approval.

**Chair Ptasznik** expressed a concern about home occupations running with the land, and he noted that there had recently been two use permit applications [both involving private dog kennels in connection with a residential use] that included a condition terminating the Special Use Permit at the time the property is sold. He asked if such a condition could be attached to this application.

**Mr. Barnett** said he knew of no reason why such a condition could not be attached.

**Mr. Cross** explained that staff saw no reason to impose such a condition in this case because the same conditions of approval that would apply to Ms. Barrett if the application were approved would also apply to any future purchaser of the home. He commented that if the use is deemed appropriate, then it should not matter who is operating the home occupation as long as he or she abides by the use permit conditions. Mr. Cross added that the applications where the use permit was limited to the current property owner involved special circumstances that do not apply to this case.

**Chair Ptasznik** opened the public hearing.

**Ms. Charity Barrett**, 409 Cheadle Loop Road, offered to answer questions.

**Mr. David S. Williman**, 320 Sharon Drive, whose home abuts the subject parcel, spoke for himself and his wife, **Kimberly B. Williman**, in opposition to the application. He noted that the subdivision lacks through streets and that the proposed beauty shop would bring non-residential traffic into the neighborhood, reducing the residents' privacy. Mr. Williman also noted that the proposed beauty shop exceeds the standard 400-square foot threshold for home occupations, and he raised the possibility that the applicant might expand her hours of operation in the future. He asked the Commission to consider the neighborhood's rural character and the privacy of such a setting.

**Chair Ptasznik** responded that the hours of operation would be made a condition of the use permit, if approved, and could not be expanded by the property owner.

(The text of Mr. Williman's remarks is attached to the minutes of record.)

There were no others to speak and the Chair closed the public hearing.

**Chair Ptasznik** reiterated his concern that the right to conduct a home beauty shop, if approved, would be passed on to future purchasers of the property without their having to come before the Planning Commission and Board of Supervisors for approval. He asked the other commissioners for their opinions.

**Mr. Davis** noted another home beauty shop approved about a year ago that involved a parcel where 2 or 3 home occupations were being conducted simultaneously. He opined that when home businesses reach that scale – which, he noted, is not the case with the current application – the owners should relocate to an appropriate commercial property.

**Mr. Barba** noted that the Board has approved only 13 home beauty and barbershops in the past 15 years and that there have been no reported violations or citizen complaints, so he did not have any concern about the proliferation of such operations.

**Mr. Ptasznik** noted that the applicant was exemplary in the operation of her business but he also understood the concerns expressed by Mr. Williman.

**Mr. Barba** moved to adopt proposed Resolution PC06-6.

On motion of Mr. Barba, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A  
SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SHOP AS A HOME  
OCCUPATION AT 409 CHEADLE LOOP ROAD

WHEREAS, Charity Ann Barrett has submitted Application No. UP-698-06 requesting a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of March, 2006, that Application No. UP-698-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177), subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177).
2. The conduct of such home occupation shall be limited to an area within the existing home consisting of approximately 468 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.

5. The days and hours of operation shall be limited to Tuesdays and Thursdays from 10:00 AM to 6:00 PM, and Wednesdays and Fridays from 10:00 AM to 2:00 PM, and Saturdays from 10:00 AM to 2:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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## NEW BUSINESS

**Capital Improvements Program, 2007-2012:** Review and certify the proposed six-year capital improvements program for conformance with the Comprehensive Plan, as required by Section 15.2-2239 of the *Code of Virginia*.

Chair Ptasznik opened discussion for comments regarding the Capital Improvement Program's conformance with the Comprehensive Plan. He noted the planned new County offices and asked if costs of the Department of Social Services building would be shared with the City of Poquoson. Mr. Carter believed there would be a cost-sharing arrangement but that level of detail is not covered in the Capital Improvements Program plan.

Mr. Davis inquired about satellite telephones available to emergency services personnel, particularly during events such as hurricanes, and believed the County staff should be provided adequate satellite telephones. He would like to know the number of satellite phones currently in use and how many are planned for the future.

Mr. Barba was complimentary of the planned conservation acquisition greenways fund and of the CIP in general.

Mr. Hamilton asked if there was an emergency communications link to state agencies in case of disasters or emergencies, such as the “star system” utilized by the Virginia State Police. Mr. Carter replied there is an elaborate plan in the implementation phase that is managed by Hampton Roads Planning District Commission that all jurisdictions and responding areas in Hampton Roads will be linked to in case of emergencies. Its designers are looking at every available technology. He added that Mr. Terry Hall, York County Emergency Communications Manager, is involved in that project.

Mr. Hamilton inquired about ongoing sewer projects. Mr. Carter reported the costs have increased significantly since the Strategic Capital Plan for Utilities was adopted and the Board will review the entire Plan this year.

Ms. Conner noted the amount of \$245,000 earmarked for a new 20,000 square-foot administration and finance building in 2012 did not appear to be sufficient. Mr. Carter noted the first phase of work on the conceptual design process would be funded initially and additional funds would be allocated over the course of several years.

Chair Ptasznik encouraged citizens to review the Capital Improvements Program on the County web site or at the York County public libraries or Williamsburg regional libraries.

Mr. Hamilton moved to adopt proposed Resolution PC06-5.

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

**A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FY 2007-2012 WITH THE YORK COUNTY COMPREHENSIVE PLAN**

WHEREAS, Section 15.2-2232 of the Code of Virginia requires public facilities to be substantially in accord with the local comprehensive plan; and

WHEREAS, the York County Planning Commission has been requested to review the Capital Improvements Program for conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that the projects contained in the proposed Capital Improvements Program will further the objectives and policies set forth in the Comprehensive Plan and not obstruct their attainment;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of March, 2006, that it does hereby certify the York County, Virginia Proposed Capital Improvements Program for Fiscal Years 2007-2012 as being in conformance with *Charting the Course to 2025: The County of York Comprehensive Plan*.

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**OLD BUSINESS**

There was no old business.

## **STAFF REPORTS**

Mr. Mark Carter referred to the Development Activity Report dated March 8, 2006 and offered to answer questions. Mr. Abel commented on recent and future Route 17 development, such as Starbucks and Supercuts, and asked if the County knows of any plans for the three corners that remain vacant; Mr. Carter indicated that no plans are underway at this time for those parcels.

Mr. Carter noted the staff had distributed to each Commissioner an up-to-date Zoning Map.

## **COMMITTEE REPORTS**

Mr. Abel reported on recent activities of the Mixed Use Development Committee, including presentations from mixed-use developers in Newport News and California, and said the potential is exciting for thoughtfully applied mixed-use communities within the County. Mr. Ptasznik echoed Mr. Abel's enthusiasm for a cleverly mixed use of land within the County.

## **COMMISSION REPORTS AND REQUESTS**

Mr. Barba inquired about progress for a different approach to approving accessory apartments and offered to help in any way with preparing a recommendation. Mr. Carter said that some draft information had been on his desk for a considerable time and apologized for the delay. He said something would be prepared for the Commission in the near future.

## **FUTURE BUSINESS**

Mr. Carter told the members about applications filed for the April meeting. Mr. Abel wondered if 7-Eleven had made progress toward its stated plan to meet with property owners adjacent to its proposed location. Mr. Ptasznik said 7-Eleven had approached Running Man Homeowners Association about such a meeting and were granted 15 minutes to present to the Board of Directors next week, so it appeared to him they are attempting to reach out to the community.

## **ADJOURN**

The meeting was adjourned at 7:50 p.m.

### **SUBMITTED:**

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Phyllis P. Liscum, Secretary

### **APPROVED:**

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Alfred E. Ptasznik, Jr., Chair

### **DATE:**

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